

	LOS LUNAS POLICE DEPARTMENT		
	OPERATIONS	NUMBER: OPR.01.01(B)	EFFECTIVE DATE: August 6, 2010
	SUBJECT: Courts		REVIEW DATE: August 2, 2017
	AMENDS/ SUPERSEDES:	NMSA:	
NMMLEPSC STANDARDS: OPR.01.01(B)	APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature		

I. PURPOSE

It is the purpose of this policy to instruct officers on the proper procedure for filing citations, ordinance violations and state statute violations to the respective courts.

II. PROCEDURE:

- A. Each Municipal Court has jurisdiction over all offenses and complaints under ordinances of the municipality and may issue subpoenas, warrants and punish for contempt.
- B. ALL DWI charges will be sent to Magistrate Court. (Revised 11 03 2015)
- C. ~~All Officers can file all violations contained within of the Village of Los Lunas Municipal Code, to include traffic violations, will be cited into in the~~ Los Lunas Municipal Court. (revised 08/02/2017)
- D. Any violations not contained in the Village of Los Lunas ordinance manual shall be filed in Magistrate or District court.
- E. If a subject is charged with a felony or domestic violence offense, the officer shall file charges and/or citations in Magistrate or District Court.
- F. If the Officer feels that his/her cases are not being heard fairly, feel they are being mis-treated or other reasons arise, he/she shall notify the Chief of Police by submitting

through the chain of command all information to include but not limited to, the case number, defendant, date and time along with a brief synopsis detailing the concerns.

- G. If the Officer is unsure where to file charges and or citations, he or she shall consult their supervisor or a higher ranking Officer.
- H. When Officers receive subpoenas to appear in any court, and fail to show up without just cause, will be disciplined according to the department's SOP manual.
- J.—Appearance in court as necessary is a job requirement of the Los Lunas Police Department. The court's schedule does not coincide with the shifts worked by many Department personnel, thus requiring personnel to appear in court during hours other than their normal working hours. Los Lunas Police Department will provide compensation for officers appearing in court when not on duty. The ramifications of not appearing in court when notified can be severe, not only in the loss of cases, but in increased civil liability for the department as well as the officer. Additionally, personnel are subject to disciplinary action if they fail to appear as notified or fail to comply with the provisions of this procedure.
- K. All employees will treat courtroom appearances with the utmost importance. Further, as a rule, employees must arrive at the court early enough to check the docket, if necessary confer with the prosecutors. Employees shall observe the following rules.
 - 1. If an employee receives subpoenas requiring appearance in different courts at the same time, he/she should honor the first subpoena received. If however, one of the subpoenas was issued by a Magistrate or higher court, it shall receive precedence over one issued by a Municipal court. Officer will notify proper court of the conflict as soon as possible.
 - 2. A subpoena receives precedence over an order issued by a supervisor. In any event, the employee must notify his/her supervisor of the subpoena.
 - 3. If on duty, sworn employees will appear in court in

uniform. If off duty, employees shall wear either the uniform or appear suitably attired in civilian clothes.

4. When testifying, employees will remain attentive, face the judge or jury when giving testimony, and speak in a clear, audible tone. Employees will respond to questions asked by the judge or attorneys and will not argue, interject, or offer an emotionally charged response to any remark or question.
5. When an officer is scheduled for any court appearance, witness interviews, depositions, grand jury etc. he/she must call the courts, attorneys, D.A.'s office to verify the scheduled assignment will be conducted prior to leaving their residence.
6. All employees shall be familiar with the laws of evidence and will testify truthfully on any matter.

L. Magistrate Court Rule 6-504(A) and Municipal Court Rule 8-504(A) state that not less than ten days before trial, the prosecution shall disclose and make available for inspection, copying and photographing any records, papers, documents and recorded statements made available by witnesses or other tangible evidence in its custody and control which are material to the preparation of the defense or are intended for use by the prosecution at the trial or were obtained from or belong to the defendant.

M. Magistrate Court Rule 6-504(B) and Municipal Court Rule 8-504(B) states that not less than ten days before trial, the defendant shall disclose and make available for the prosecution for inspection, copying and photographing and any records, papers, documents and recorded statements made available by witnesses or other tangible evidence in the defendant's possession, custody or control which the defendant intends to introduce in evidence at the trial.

To comply with the Magistrate Court Rule 6-504 (A) and (B) and Municipal Court Rule 8-504(A) and (B), officers and/ or clerical personnel shall:

1. Upon notification of an officer as prosecutor Magistrate

Court trial, the officers and/ or clerical staff will send a certificate of disclosure letter to defense counsel and if no defense counsel then to the defendant, giving notification of disclosure.

2. Send a request for disclosure of evidence and witnesses letter to defense counsel and if no defense counsel then to the defendant.
3. Officers and/ or clerical personnel will scan all letters sent to defense counsel, into the case file.

N. To comply with Magistrate Court Rule 6-504(C) and Municipal Court Rule 8-504(C) the officer prosecuting the case will ensure that his or her witness list is provided to defense counsel and if no defense counsel then to the defendant.

O. To comply with Rule 6-401-New Pre-Trial Procedures, the following will apply: (Revised 08/01/2017)

1. All arrests made on NEW CHARGES will be booked as NO BOND.
2. Judge's requirements are as follows:
 - a) Forty-eight (48) hours to review Probable Cause for the arrest.
 - i. Defendant will be RELEASED ON OWN RECOGNIZANCE (ROR), or
 - ii. Defendant will be detained without bond until arraignment.
 - b) Seventy-two (72) hours for arraignment.
 - i. Conditions of release will be set, or
 - ii. Bond (secured/unsecured)
 - iii. If defendant is unable to meet conditions of release, defendant will be given council and arraigned within seventy-two (72 hours).
3. Arrests made on Bench Warrants WITHOUT new charges will have a bond amount.
4. Arrests made on Bench Warrants WITH new charges

must contain a Criminal Complaint showing charges making the courts and jail aware a Probable Cause review and/or Arraignment is needed.